

**SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK
SPECIAL USE PERMIT GUIDELINES**

Commercial Filming, Commercial Still Photography, Non-Commercial Still Photography

San Antonio Missions National Historical Park administers, protects, preserves and interprets the nation's largest concentration of Spanish colonial resources in the cities of San Antonio and Floresville, Texas. The park is located in a diverse and multi-cultural urban area and has an annual visitation of approximately 1.3 million visitors from all over the country and the world. In order to protect these rare national treasures for all people to enjoy, the Congress of the United States saw fit to create the San Antonio Missions National Historical Park:

" In order to provide for the preservation, restoration, and interpretation of the Spanish Missions of San Antonio, Texas, for the benefit and enjoyment of present and future generations of Americans, there is hereby established San Antonio Missions National Historical Park...consisting of Concepcion, San Jose, San Juan, and Espada Missions, together with areas, and features historically associated therewith...."

Opportunities exist for a variety of educational and cultural programs as well as filming and photographic projects utilizing the park's resources. Each Mission has an active parish and church with all the activities associated with it. It is not uncommon for church-related events such as funerals, weddings or religious services to take place alongside park activities and visitors.

Many requests for special use permits are received from a variety of individuals or groups seeking to use the park for various reasons. "It is the policy of the National Park Service (NPS) to allow Special Uses that are not in conflict with law or policy; **will not result in derogation of the values and purposes for which the park was established**; do not present a threat to public safety or property and do not unduly interfere with normal park operations, resource protection, or visitor use."² Additionally, it is the policy of San Antonio Missions National Historical Park to issue commercial filming, commercial photography and non-commercial still photography permits when the activity is consistent with the protection and public enjoyment of park resources. The NPS has the authority and responsibility to manage special uses by permit and to deny all requests that conflict with this policy. All commercial filming, commercial photography and non-commercial still photography permits are subject to cost recovery charges, which reimburse the park for costs incurred in processing the request for a permit and managing the permitted activity, and a location fee which provides a fair return for the use of Federal lands.

¹ San Antonio Missions National Historical Park enabling legislation "Public Law 95-629; Title II; Sec. 201"

² RM-53 "Special Park Uses" Chapter 5 Policy Guidance

REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL FILMING, COMMERCIAL PHOTOGRAPHY OR NON-COMMERCIAL STILL PHOTOGRAPHY:

The following guidelines have been established by the Superintendent of San Antonio Missions National Historical Park for managing commercial filming, commercial photography and non-commercial photography.

On August 22, 2013 the Department of the Interior published final regulations in the Federal Register on commercial filming, still photography and audio recording applying to the NPS, U.S. Fish and Wildlife Service and Bureau of Land Management. The regulations became effective on September 23, 2013.

Commercial Filming:

- The regulation governing commercial filming is found at 43 CFR Part 5.
- Definitions for commercial filming are found at 43 CFR 5.12.
- ALL commercial filming requires a permit.
- When a permit is issued for commercial filming, cost recovery charges and a location fee based on the location fee schedule for that activity must be collected.

News Gathering Activities:

- News gathering activities may require a permit if the activities are of such size and scope that a permit would help manage the activity to minimize possible damage to park resources and visitor use conflicts or authorize entrance into a closed area.
- Even when the above circumstances are present, permits will be required ONLY if there is sufficient time to issue the permit without impeding the crew's ability to gather the news. If there is not sufficient time to issue a permit, visitor and resource protection will be managed verbally in the field.
- There are NO cost recovery charges OR location fees for permits issued for news gathering activities.

Commercial Still Photography (Use of Models, Sets, and/or Props)

- The regulation governing still photography is found at 43 CFR Part 5.
- Definitions for still photography are found at 43 CFR 5.12.
- Commercial Still Photography requires a permit if it uses models, sets, or props.
- Still photography requires a permit if it takes place in areas closed to the public, or the agency (NPS) needs to manage the activity to minimize resource damage or visitor conflict (At San Antonio Missions NHP, in order to ensure commercial/professional portrait photographers are not competing with NPS and church programs or other permitted events, a Special Use Permit for photography is required.)

Non-Commercial Photography (Bridal Photography/Other Group or Individual Portraits):

- The regulation governing still photography is found at 43 CFR Part 5.
- Definitions for still photography are found at 43 CFR 5.12.
- Non-Commercial Portrait Photography requires a permit if it takes place in areas closed to the public, or the NPS needs to manage the activity to minimize resource damage or visitor conflict (At San Antonio Missions NHP, in order to ensure ALL portrait photographers are not competing with NPS and church programs or other permitted events, a Special Use Permit for photography is required. This applies to all bridal photography (paid or un-paid and all other "portrait" photography (paid or un-paid).

See the following "Am I required to obtain a photography permit?" examples (Please read all examples):

Example #1:

I am a bride getting married in one of the four mission churches in the park. My wedding date has been arranged with the respective church office. Do I need a permit to take pictures on the mission grounds ***on the day of my wedding?***

Answer – **NO**, you have already made the required arrangements with the respective mission church office for your wedding. Taking wedding photographs both inside and outside the church on the day of your wedding is a normal part of the wedding celebration and does not require an additional park permit. (Note: The NPS works closely with each of the mission churches to avoid any potential conflict with your wedding ceremony or wedding day photographs on park grounds. The NPS will not knowingly issue any photography permits at the same time and location of your church arranged wedding).

Example #2:

I am a professional/commercial photographer bringing a family friend and her fiancée for an engagement portrait. I am not being paid. The portrait session will take place during normal visitor hours (9AM – 5PM) and will take approximately 1 hour. I am using professional quality equipment including camera, tripod, and light reflector. Do I need a photography permit?

Answer – **YES**, although you are not being paid, this type of park use is still "portrait photography" which the NPS manages. A permit is required and all normal "commercial photography" fees are applicable (as per 43 CFR Part 5). The cost for this permit is generally \$100.00 which includes the non-refundable Special Use Permit application fee of \$50.00 and a \$50.00 location fee.

Example #3:

I am a professional/commercial photographer being paid by my client to take her bridal portrait. The portrait session will take place from 5PM – 7PM. In addition to the bride, there will be 4 other people attending the portrait including my photography assistant. Do I need a photography permit?

Answer – **YES**, although by definition “brides” are not considered “models, sets or props” this park use qualifies as “portrait photography” which the NPS manages. A permit is required and all normal “commercial photography” fees are applicable (as per 43 CFR Part 5). The cost for this permit is generally \$172.00 which includes the non-refundable Special Use Permit application fee of \$50.00, the \$50.00 location fee and \$72.00 for NPS staff overtime (2 hours X \$36.00/hour) as all permits outside of normal park operating hours (9AM – 5PM) require NPS staff monitoring.

Example #4:

I am a tour guide leader bringing a bus group of 45 adults and children to the missions for a visit during normal visiting hours. We will be taking a group photograph in front of the Rose Window at Mission San Jose. The photograph will take less than 5 minutes to set up and take. Do I need a photography permit?

Answer – **NO**, park visitors are not by definition “models, sets or props” and taking one or more photographs of the group does not qualify as “portrait photography”. Although no permit is needed, all park visitors have “non-exclusive” use of park grounds and must share the park with all other visitors. Most visitors will stay out of your way as you take your photograph(s) in front of the Rose Window but you may not prevent other visitor access into the area.

Example #5:

I am a student at a local university creating a student project which involves still photographs of fellow students dressed in various historical type costumes. I will be taking these photographs during normal visitor hours (9AM – 5PM). My photography session will take less than 1 hour. Do I need a photography permit?

Answer, **YES**, although you are a student you are utilizing models, sets or props which is not a normal visitor activity and a permit is required. The minimal cost for this permit is \$50.00 which reflects the non-refundable permit application fee. No location fee will be charged. There MAY be an additional charge of \$36.00/hour if the NPS Special Use Permit Coordinator and/or Chief Park Ranger determine that your permit requires staff monitoring based on the complexity and number of people on-site involved with your project.

Example #6:

I am a professional portrait photographer and my client wants to take a family portrait both inside and outside of one of the mission churches. The portrait session will take approximately 1 hour total during normal visitor hours (9AM – 5PM). Do I need a photography permit?

Answer – **YES** for park grounds and **NO** for mission churches. The NPS manages “portrait photography” regardless of whether the photographer is being paid or not. Any portrait photography on park grounds requires a photography permit from the NPS. The NPS does not manage any of the 4 mission churches (Concepcion, San Jose, San Juan, Espada) located within the park. **Permission for use of the interior of any mission church for portrait photography must be obtained in advance by contacting the respective church office.**

Note: A request for a Commercial Filming, Commercial Still Photography or Non-Commercial Portrait Photography permit may be denied if the activity would:

- Damage resources;
- Unreasonably disrupt or conflict with the public's use and enjoyment of the site;
- Pose health or safety risks to the public;
- Result in unacceptable impacts or impairment to National Park resources or values;
- Violate the Endangered Species Act (7 U.S.C. 136, 16 U.S.C. 1531 et seq.), Wilderness Act (16 U.S.C. 1131-1136), or any other applicable Federal, State, or local law or regulation.

Commercial Filming, Commercial Still Photography, Non-Commercial Still Photography Permit Process

1. Application – Complete an application form as follows:

- 10-931 - Still Photography – ALL Commercial Photography (Use of Models, Sets and Props), and ALL Non-Commercial Still Photography (Paid or unpaid Portrait Photography)
- 10-932 - Commercial Filming – ALL Commercial Filming requires a permit.

Include with your application your check or money order in the amount of **\$50.00**, made payable to **NPS**, to cover the non-refundable application fee. Your request will be evaluated on the basis of the information in your application. Therefore, you are encouraged to attach maps, diagrams, script pages or storyboards to assist the park staff in evaluating your request. Submit your permit application up to a year ahead of your requested date. If there is not enough time allowed to adequately evaluate your request it may be denied. A minimum of four (4) business days is required to process your request. Requests that involve multiple locations, complex logistics or coordination with other visitor activities should be submitted a minimum of fourteen (14) business days in advance. Projects, which require environmental or cultural resource evaluation, must be submitted not less than thirty (30) days before the start of proposed project. All costs of evaluating the request will be billed to the applicant, whether a permit is issued or not.

2. ON-SITE MEETING – An on-site meeting with the park's special use permit coordinator for complex requests may be required after the application has been received and reviewed. A visit to all potential filming sites in the park will usually be made at this time. By the end of the meeting, the park special use permit coordinator should have enough information to offer a recommendation to the Park Superintendent. The completed permit will detail the project activities and locations to be authorized. Any activities not specified in the permit will not be allowed. No project on NPS property may begin until the permit has been approved by the Park Superintendent and agreed to by the permittee and signed by both parties.

PERMIT CONDITIONS AND RESTRICTIONS

A commercial filming, commercial still photography or non-commercial still photography permit does not allow the permittee to restrict park visitors from any location; therefore, sites which attract a large number of visitors should be avoided. Normal visitor use patterns will not be

interrupted for extended periods of time. Commercial filming, commercial still photography and non-commercial still photography projects may not occur simultaneously with other permitted Special Uses or unduly conflict with scheduled public programs/tours. Visitors on site during a permit will not be encouraged to watch but will be allowed to do so should they choose.

Restrictions and Conditions will be enumerated in the permit. The following activities are restricted and must be approved on a case by case basis:

1. Use of children or animals
2. Discharge of blank ammunition
3. Mechanical or pyrotechnic special effects
4. Stunts
5. Amplified music or sound
6. Placing of large set dressings
7. Filming/photography inside interiors of government buildings including the park Visitor Center, mission contact stations, museums and park headquarters.
8. Film equipment or activities on roadways
9. Access to closed areas or access to areas during non-visitor use hours.
10. NPS permits do not authorize use of Archdiocese of San Antonio churches or other Archdiocese buildings located within the boundaries of San Antonio Missions NHP.

The permit will specify the number of people and the exact types of equipment allowed. The NPS personnel monitoring the permit compliance will not allow project activities not specified in the permit. Please note that the permit does not include authority to film or photograph individuals. Releases for models, extras or other talent needed are the responsibility of the permittee.

Permit projects may be restricted based on weather or seasonal conditions (fire danger, standing water after rain, etc.). Additional closures use limits and/or restricted activities are listed in the Superintendent's Compendium.

Projects having the potential to damage or significantly impact or alter park resources are prohibited. The following are also prohibited:

1. Posing on or leaning against any of the Mission's historic structures, walls or archways by models or subjects that are being photographed.
2. Altering, damaging or removing vegetation.
3. Vehicle use in the mission compounds, around mission structures, off established roads and parking areas.

4. Use of insecticides, herbicides and pesticides.
5. Loud noises that exceed 70dba between the hours of 6am and 11pm and 63 dba between the hours of 11pm and 6am for any activity.
6. Smoking in buildings, on boardwalks or in vegetated areas.
7. Use of fragile vegetation areas, except on trails or already disturbed areas.
8. Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the NPS within the boundaries of San Antonio Missions National Historical Park unless approved in writing by the Superintendent.
9. Writing on or discoloring any natural feature or park structure.
10. Law prohibits harassment of wildlife. Filming of wildlife is permitted as long as there is NO disturbance, feeding, teasing, or manipulation of resident or free-roaming animals. Wildlife captured elsewhere may NOT be used in any in-park filming, whether trained or not.

Safety Inspection

At the discretion of the park's Safety Officer and upon completion of set-up, the project area will be subject to a **Safety Inspection**. Any failure to correct hazardous conditions pointed out by the Safety Officer or to provide necessary certifications may be grounds to suspend project activities or revoke the project Special Use Permit.

If your planned project calls for the use of animals or livestock, the NPS will make the final decision on the number and types of animals that will be permitted, the number of wranglers and/or veterinarians required to control the animals to ensure safety of all visitors, staff and animals. When not working, animals must be restricted or confined and under supervision at all times. The permittee will also be responsible for the removal of all animal waste from the park site throughout the project activities and at its conclusion.

Permit Fees

Application Fee (non-refundable): \$50.00

Location Fees for all commercial filming/still photography are charged at the following rates:

Location Fee Schedule National Park Service

Commercial Filming		Still Photography	
1 – 2 people, camera and tripod only	\$0/day		
1 - 10 people	\$150/day	1 - 10 people	\$50/day
11 - 30 people	\$250/day	11 - 30 people	\$150/day
31 - 49 people	\$500/day	Over 30 people	\$250/day
Over 50 people	\$750/day		

Monitoring Fee of \$36.00 per hour per NPS staff that is required to monitor the project activities, ensure park resource protection, and to manage potential visitor use conflict.

If any additional costs are incurred, the permittee will be billed at the conclusion of the project.

Insurance Requirements, Security Bond and Performance Bond

As deemed necessary on a case-by-case basis:

Insurance - Liability insurance protects the government from negligent actions by permittee. If deemed necessary, general liability insurance must be carried by the permittee showing the **United States of America** as additionally insured. Short-term policies must show coverage on "occurrence" basis. The minimum amount of liability insurance is \$1,000,000.00. Additional amounts may be required for high-risk projects.

Security Bond - essentially a **refundable** damage deposit in an amount adequate to cover estimated cost of restoration, repair and rehabilitation of an area that may have been damaged as a result of the project activities. The security bond, if required, **must** be received before the Special Use Permit will be issued.

Performance Bond - is the total estimated cost reimbursable to the park for expenses incurred as a result of the project activities. This performance bond **must** be received before the Special Use Permit will be issued.

USE OF THE BOND

Those bond amounts, paid in advance, are deposited into a designated park account upon receipt. Should the permittee fail to perform any part of the necessary restoration, or fail to reimburse San Antonio Missions National Historical Park for costs associated with the permit, the account will be used to make any necessary payments. Any remaining balance will be returned to the permittee. If the bond is insufficient to cover costs the permittee will be issued a bill for collection for the amount of the deficit. Funds from bonds, including letters of credit,

shall be withdrawn only in the amount owed to the NPS. *A bond will never be used as a penalty.*

- a. A bond may also be used to recover NPS costs (administrative, monitoring and/or management) only if the Superintendent specifies it as a condition of the permit.
- b. The bonding instrument must provide the Superintendent with immediate access to the funds when needed.

³ RM- 53 "Special Park Uses" Chapter 10 Management of Permit Fees

⁴ RM-53 "Special Park Uses" Chapter 9 Permit Provisions

Mardi J. Arce
Mardi J. Arce
Superintendent

3/31/16
Date:

Any request for additional information should be directed to:

San Antonio Missions
National Historical Park
2202 Roosevelt Avenue
San Antonio, Texas 78210
Attn: Special Use Permit Coordinator

Phone: (210) 534-8833
Fax: (210) 534 -1106



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